



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

May 5, 2014

Ref: 8ENF-L

VIA EMAIL AND REGULAR MAIL

John P. Davis, Esq.
Poore, Roth & Robinson, P.C.
1341 Harrison Avenue
Butte, MT 59701

Jon Rauchway, Esq.
Davis, Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, CO 80202

Re: Individual Site Work Plans in connection
with the Christian litigation

Dear John and Jon:

This letter concerns the individual site work plans (ISWPs) forwarded to attorney Mark Kovacich in April of 2013 and copied to Charlie Coleman in EPA's Helena office. These ISWPs outline cleanups proposed by Atlantic Richfield under the Anaconda Regional Water, Waste and Soils (ARWWS) and Community Soils (CS) operable unit (OU) records of decision (RODs), on certain properties owned by plaintiffs in the Christian litigation. Any cleanup on these properties must be approved by EPA as they are all within the Anaconda Smelter NPL Site. As you know, the CS OU ROD was modified in September of 2013, after these ISWPs were proposed.

EPA continues to work with AR on a revised remedial action work plan/final design report (RAWP/FDR) and sampling and analysis plan (SAP) for implementing the 2013 change in



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cleanup requirements to the CS OU ROD. EPA continues to believe that it is premature to approve the plans submitted last year until the RAWP/FDR and SAP are final. The ISWPs will probably have to be modified to some extent to conform with the soon-to-be-final RAWP/FDR for the CS OU.

Please feel free to give me a call if you have questions about this.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andy Lensink". The signature is fluid and cursive, with the first name "Andy" being more prominent than the last name "Lensink".

Andrew J. Lensink
Sr. Attorney for Mining

cc: Mark Kovacich, Esq., Lewis, Slovak and Kovacich, P.C.
Luke Pokorny, Atlantic Richfield
Charlie Coleman, EPA